

On motion of Mr. Gray, the bill was amended by striking out the third section. The bill was then ordered to be engrossed.

On motion of Mr. Gray, the rule was suspended, bill read third time and passed by an unanimous vote.

A bill to incorporate the Central Railroad Company, together with the report of the committee on Internal Improvements, offering amendments thereto was read, amendments adopted and bill ordered to be engrossed.

On motion of Mr. Reaves, the rule was suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Burks, Dancy, Davis, Ford, Grimes, Hill, Kinney, Meusebach, Miller, Parker, Reaves, Scott, Tritt, Williams and Wilson—18.

NAY—Mr. Taylor—1.

A bill to create the county of Hill, together with the report of the committee on Counties and County Boundaries, offering an amendment thereto, was read.

On motion of Mr. Miller, the Senate adjourned until 10 o'clock to-morrow morning.

### WEDNESDAY, February 2, 1853.

The Senate was called to order by the President *pro tem.*—prayer by the Rev. Mr. Thomas—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to amend an act entitled "an act to incorporate the Galveston Steam Ferry Freight and Tow Boat company;

A bill supplementary to "an act to incorporate the town of Jasper;

A bill to amend the second section of "an act amending an act authorizing and requiring the county courts to regulate roads;

A bill for the relief of the heirs of Mathew Burnett;

A bill to prohibit the depositing of cotton seed outside of enclosures;

A bill to be entitled an act supplementary to "an act to incorporate the Texas and Louisiana Railroad company, approved February 14th, 1852;"

A bill for the relief of the proprietors of the town of Salaria;

A bill to authorize Bartlett Sims to raise a location therein named, and locate the same upon any vacant land;

- A bill for the relief of Alexander McKenzie;
- A bill to incorporate Wood Lawn Academy; and,
- A bill supplementary to the act to establish the Galveston and Red River Railway company;
- A bill relating to the claims of the late Republic of Texas;
- A bill to incorporate the town of Indianola; and,
- A bill for the relief of Joel Pierce.

Mr. Ford introduced a bill to authorize a re-survey of part of the tract adjoining the city of Austin; read first time.

On motion of Mr. Ford, the rule was suspended, bill read second time and referred, together with the petition of sundry citizens of the city of Austin, to the committee on State Affairs.

Mr. Armstrong made the following report:

The committee on Public Lands have examined a bill supplementary to an act granting to settlers on public domain pre-emption privileges, and recommend the passage of the bill with the following amendments, viz:

In section 1, 4th line, strike out "or may hereafter avail themselves;" also, strike out in the 5th line "by the first day of January, 1854."

In 5th section 3rd line, strike out "to said Clerk," and insert "to the county court."

Mr. Gray made the following report:

*To the President of the Senate:*

The committee on the Judiciary have considered a resolution of the Senate instructing them "to report a bill prohibiting District Judges from striking practicing Attorneys from the rolls for contempt of court, and defining what shall be sufficient cause therefor," and report the enclosed bill to be entitled an act to amend the 9th and 10th sections of an act to regulate the license and practice of Attorneys and Counsellors at Law, approved May 12th, 1846. In the opinion of the committee, the present provisions of the law to be found in said act and in the act to organize district courts, do not allow the Judges to strike an Attorney from the rolls for ordinary contempt of court; but it may not be improper to make the law more specific and definite. It is difficult to define what circumstances constitute a case of contempt which should authorize a judge to exercise so high a power, while there may be such cases. It should never be left wholly to the arbitrary discretion of a Judge, who may like other men be influenced by temporary passion and prejudice to do an act of injustice. A case sufficient to demand the exercise of such power is surely of moment



enough to require an investigation and trial by motion as in like cases. The bill reported is designed to effect this object, and at the same time to preserve a wholesome check on Attorneys who may be guilty of contempts involving malpractice and dishonorable conduct.

P. W. GRAY, Chairman.

A bill to amend the 9th and 10th sections of an act to regulate the license and practice of Attorneys and Counsellors at Law, approved May 12, 1846; read first time, and on motion of Mr. Gray, the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Wilson, the rule was further suspended, bill read third time and passed.

Mr. Wilson made the following report:

The committee on Internal Improvements to whom were referred bills to incorporate the Jefferson and Western Plank Road company, and Jefferson and Tyler Plank Road company, have considered the same, and a majority thereof instruct me to report the same back and recommend the passage with the following amendments:

Strike out "four sections," wherever they occur and insert "two sections."

Strike out "five miles" in 8th section and insert "twenty miles."

Mr. Potter introduced a bill for the relief of the creditors of the German Emigration Company; read first time.

Mr. Dancy introduced a bill to repeal an act concerning the archives of the Legislature; read first time.

On motion of Mr. Dancy, the rule was suspended, bill read second time, and on motion of Mr. Ford, referred to the committee on State Affairs.

Mr. Williams introduced a bill to incorporate the Virginia Point and Austin Railway Company; read first time.

On motion of Mr. Williams, the rule was suspended, bill read second time and referred to the committee on Internal Improvements.

On motion of Mr. Potter, a bill to incorporate the Galveston, Houston and Henderson Railroad Company, was taken up and read first time.

On motion of Mr. Potter, the rule was suspended, bill read second time and referred to the committee on Internal Improvements.

On motion of Mr. Bigelow, a bill to erect the counties of Cameron, Hidalgo, Starr, Nueces, San Patricio, Webb, Presi-

committee have not time to bestow that investigation on those petitions that their importance demand, they have therefore instructed me to report the same back to the Senate and ask to be discharged from the further consideration of the same.

SAM. BOGART, Chairman.

Mr. Parker, chairman of the committee on Claims and Accounts reported back a bill for the relief of the heirs of L. Gilbert, and recommended its passage.

On motion of Mr. Day, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Day, the rule was further suspended, bill read third time and passed.

Mr. Dancy, from the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, after considering a resolution referred to the committee, making it their duty to enquire into the expediency of reporting a system of Internal Improvements, either by the State or by chartered companies, instruct me in addition to the report heretofore made, to report a general charter law for the organization of companies, for works of public improvement and utility, and recommend its passage.

A bill for the organization of corporations for works of public improvement and utility; read first time.

On motion of Mr. Dancy, the rule was suspended, bill read second time.

Mr. Hill moved that the bill be laid on the table, and that 100 copies be printed.

On motion of Mr. Grimes, the question was divided, and motion to print, as also the motion to lay on the table, was lost.

On motion of Mr. Reeves, the bill was suspended and made the special order for three o'clock to-day.

A message was received from the House informing the Senate that the House had passed the following bills, viz:

A bill supplementary to an act to provide for the erection of a State Capitol, approved February 14, 1852;

A bill to establish the New Orleans, Texas and Pacific Railroad Company, for the extension of the New Orleans, Opelousas and Great Western Railroad, through Texas; and,

A bill for the relief of John Sise and others; also, that the House had concurred in the amendments of the Senate to a bill to create the 13th Judicial District, and to a bill to authorize the issuance of duplicate certificates of the Auditor and Comptroller of the State of Texas.



Mr. Gray introduced a bill to give the right of appeal in habeas corpus; read first time.

On motion of Mr. Gray, the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Potter, the rule was further suspended, bill read third time and passed.

Mr. Bigelow introduced joint resolution instructing the Senators and requesting the Representatives from Texas in the Congress of the United States, to use their efforts for the increase of the army; read first time.

On motion of Mr. Bigelow, the rule was suspended, joint resolution read second time and ordered to be engrossed.

On motion of Mr. Bigelow, the rule was further suspended, resolution read third time and passed.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, viz:

A bill to incorporate the Colorado Valley Railroad Company;

A bill to incorporate the Liberty and Nacogdoches Railroad Company;

A bill to give the right of appeal in cases on habeas corpus;

Joint resolution instructing the Senators and requesting the Representatives from Texas in Congress of the United States, to use their efforts for the increase of the army;

The Senate's amendments to the House bill defining the time of holding the District Court in the 3rd Judicial District; and,

A bill to incorporate Paris and Pine Bluff Turnpike Company.

#### ORDERS OF THE DAY.

A bill to incorporate the Galveston, Houston and Henderson Railroad Company; read second time and passed to a third reading.

On motion of Mr. Potter, the rule was suspended bill read third time and passed unanimously.

A bill to establish the New Orleans, Texas and Pacific Railroad Company, for the extension of the New Orleans, Opelousas and Great Western Railroad through Texas; read first time.

On motion of Mr. Parker, the rule was suspended, bill read second time, and, on motion of Mr. Wilson, referred to the committee on Internal Improvements.

A bill to provide for a Geological Survey and examination of the State, together with the report of the committee on State

Affairs, offering an amendment thereto, was read, amendment adopted, and bill ordered to be engrossed.

Mr. Gray moved a suspension of the rule; lost.

A bill to incorporate the Virginia Point and Austin Railroad company, together with the report of the committee on Internal Improvements, offering an amendment thereto, was read, amendment adopted, and bill ordered to be engrossed.

On motion of Mr. Dancy, the rule was suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Burks, Dancy, Davis, Day, Ford, Hill, Meusebach, Miller, Parker, Reaves, Scott, Truit, Williams and Wilson—16.

NAYS—Messrs. Armstrong, Gray, Grimes and Taylor—4.

A bill for the relief of the creditors of the German Emigration Company; read second time, and, on motion of Mr. Reaves, referred to the committee on the Judiciary.

A bill to enable Henry F. Fisher and Burchard Miller to perfect titles to the lands for which certificates have been issued to them within the limits of Fisher and Miller's Colony grant, read second time, and, on motion of Mr. Reaves, referred to the committee on the Judiciary.

Joint resolution requiring a judicial investigation into the validity of certain land certificates therein mentioned, issued to Henry F. Fisher and Burchard Miller; read second time, and, on motion of Mr. Meusebach, referred to the committee on the Judiciary.

A bill relative to certain special liabilities reported by the Auditor and Comptroller and confirmed by the Legislature; read second time.

Mr. Miller moved to refer the bill to the committee on Public Debt; lost.

The bill was then passed to a third reading by the following vote:

YEAS—Messrs. Bigelow, Bogart, Davis, Day, Ford, Gray, Grimes, Hill, Kinney, Potter, Taylor, Truit, Williams and Wilson—14.

NAYS—Messrs. Armstrong, Burks, Dancy, Miller, Parker, Reaves and Scott—7.

On motion, the Senate adjourned until three o'clock P. M.

THREE O'CLOCK P. M.

Senate met—roll called—quorum present.

A message was received from the House informing the



Senate that the House had passed a bill for the relief of John White, which originated in the Senate.

Mr. Potter, chairman of the Special committee, to which was referred the memorial of the trustees, representatives and creditors of the German Emigration Company, reported the same back to the Senate and recommended that it be referred to the committee on the Judiciary.

Mr. Armstrong, chairman of the committee on Public Lands, reported back a bill authorizing the issuing of duplicate land warrants, discharges and headrights, on certain conditions, and providing for the loss of land scrip, and recommended its passage.

A bill for the organization of corporations for works of public improvement and utility; read.

Mr. Davis offered the following amendment:

Strike out section 8th and insert as follows:

"SECTION 8. That every stockholder in any corporation originated under this act shall be held liable and responsible for all of the contracts and debts of such corporation;" rejected by the following vote:

YEAS—Messrs. Armstrong, Davis and Parker—3.

NAYS—Messrs. Bigelow, Bogart, Dancy, Day, Gray, Grimes, Hill, Miller, Potter, Reaves, Scott, Taylor, Truit, Williams and Wilson—15.

The bill was then ordered to be engrossed.

On motion of Mr. Dancy, the rule was suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Dancy, Day, Ford, Gray, Miller, Parker, Potter, Reaves, Scott, Taylor, Truit, Williams and Wilson—16.

NAYS—Messrs. Davis, Grimes and Hill—3.

A bill to authorize the payment by the Treasurer of the State the amount allowed by a certificate of the Auditor and Comptroller therein named; read second time.

On motion of Mr. Gray, the caption of the bill was amended so as to read as follows:

"An act to authorize the payment by the Treasurer of the State, the amount allowed by a certificate of the Auditor and Comptroller, No. 1,008, second class, issued to Flemming T. Wells, deceased, on the 30th day of April, 1851;" adopted, and bill rejected by the following vote:

YEAS—Messrs. Bogart, Dancy, Davis, Day, Ford, Gray and Hill—7.

NAYS—Messrs. Armstrong, Burks, Grimes, Miller, Parker, Potter, Reaves, Scott, Taylor, Truit and Williams—11.

A bill to regulate the election of District Surveyors; read second time.

Mr. Hill offered the following amendment:

In 1st section, strike out the words "the county from which the land district takes its name," and insert "the county in which the land office for such district shall be located;" rejected, and bill passed to a third reading.

On motion of Mr. Armstrong, the rule was suspended, bill read third time and passed.

A bill supplementary to an act to restore lands sold for taxes and purchased by the State, to the former owners, approved January 28, 1852; read second time and passed to a third reading.

On motion of Mr. Day, the rule was suspended, bill read third time and passed.

On motion of Mr. Parker, the vote which rejected joint resolution concerning the public archives of Bexar county, was reconsidered and joint resolution passed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Davis, Ford, Gray, Meusebach, Parker, Potter, Scott, Truit and Wilson—12.

NAYS—Messrs. Burks, Dancy, Day, Grimes, Hill, Miller, Reaves, Taylor and Williams—9.

A bill for the relief of Sarah Slay; read third time and passed.

A bill concerning writs of error; read second time.

Mr. Potter offered the following amendment:

Amend by adding sections 15 and 16.

On motion of Mr. Scott, the bill and amendment were referred to the committee on the Judiciary.

A bill for the relief of John Conner, a Delaware Chief; read second time and ordered to be engrossed.

On motion of Mr. Ford, the rule was suspended, bill read third time and passed.

A bill to amend the 34th and 64th sections of an act to organize Justices courts, and to define the powers and jurisdiction of the same, approved March 20th, 1848; read second time and ordered to be engrossed.

A bill supplementary to an act to incorporate the Texas Monumental committee; read second time and ordered to be engrossed.

On motion of Mr. Dancy, the rule was suspended, bill read third time and passed by a constitutional majority.



A message was received from the House informing the Senate that the House had passed the following bills, viz:

A bill to amend an act to incorporate the Henderson and Burksville Railroad Company;

A bill authorizing the county court of El Paso county to appoint the place of holding the District Court in said county, and defining the time of holding the District Courts in the 11th Judicial District, approved December 24th, 1852; also, that the House had passed a bill supplementary to an act relating to lands in Peters' Colony, approved February 10th, 1852, with amendments.

On motion of Mr. Bogart, the last mentioned bill was taken up.

Mr. Taylor moved the indefinite postponement of the bill, lost by the following vote:

YEAS—Messrs. Armstrong, Dancy, Davis, Day, Parker, Reaves, Scott, Taylor and Truit—9.

NAYS—Messrs. Bigelow, Bogart, Ford, Gray, Grimes, Hill, Kinney, Meusebach, Miller, Potter, Williams and Wilson—12.

On motion of Mr. Armstrong, the bill was postponed until to-morrow.

A bill to extend the provisions of an act supplementary to an act to secure to the German Emigration company and their Colonists the lands to which they are entitled, and to adjust the liabilities of said company, approved December 2d, 1852; laid on the table.

Mr. Armstrong moved to take up a bill supplementary to an act to provide for the erection of a State Capitol, approved February 14th, 1852; carried by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Dancy, Davis, Ford, Gray, Grimes, Kinney, Meusebach, Potter, Truit, Williams and Wilson—15.

NAYS—Messrs. Burks, Day, Hill, Miller, Parker, Reaves, Scott and Taylor—8.

So the bill was taken up and read first time.

Mr. Armstrong moved a suspension of the rule; lost.

A bill to create the sixth Military Division; read second time and ordered to be engrossed.

On motion of Mr. Bigelow, the rule was suspended, bill read third time and passed.

A bill to encourage the deepening of the Anahuac Pass at the mouth of the Trinity river; read first time.

On motion of Mr. Potter, the rule was suspended, bill read

second time and referred to the committee on Internal Improvements.

A bill for the relief of John Sise and others; read first time.

On motion of Mr. Truit, the rule was suspended and bill read second time.

Mr. Wilson offered the following amendment:

Add to 1st section: "and to the balance of the human family and all the rest of mankind and John Smith, each two leagues and labors."

Mr. Ford offered the following amendment:

"To the heirs of Daniel W. Cloud, 640 acres;"

"To the heirs of Joseph Bayliss, 640 acres;"

"To the heirs of Peter J. Baily, 640 acres."

Mr. Day offered the following amendment:

"To P. H. Peason assignee of David Andrews, one league and labor."

On motion of Mr. Hill, the bill and amendments were referred to the committee on Private Land Claims.

A bill to amend an act authorizing the county court of El Paso county, to appoint the place of holding the District Courts in said county, and defining the time of holding the District Courts in the 11th Judicial Districts, approved December 24, 1852; read first time.

On motion of Mr. Bigelow, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

A message was received from the House informing the Senate that the House had passed a bill making appropriations for the improvement of the rivers of the State, and a bill to incorporate the town of Indianola; which originated in the Senate.

On motion, the Senate adjourned until 10 o'clock to-morrow morning.

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SATURDAY, February 5, 1853.

The Senate was called to order by the President *pro tem.* pursuant to adjournment—prayer by the Rev. Mr. Baker—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate that the House had passed the following bills which originated in the Senate, viz: